

**Appeal brought on 19 February 2016 by the Council of the European Union against the judgment of the General Court (Eighth Chamber) delivered on 10 December 2015 in Case T-512/12 Polisario Front v Council**

**(Case C-104/16 P)**

(2016/C 111/20)

*Language of the case: French*

**Parties**

*Appellant:* Council of the European Union (represented by: A. de Elera-San Miguel Hurtado and A. Westerhof Löfflerová, Agents)

*Other parties to the proceedings:* Popular Front for the liberation of Saguia-el-Hamra and Rio de Oro (Polisario Front), European Commission

**Form of order sought**

- set aside the judgment of the General Court in Case T-512/12;
- give final judgment in the matters which are the subject of the present appeal by dismissing the action for annulment brought by the Polisario Front (the ‘applicant’); and
- order the applicant to pay the costs incurred by the Council at first instance and in the present appeal.

**Pleas in law and main arguments**

In support of its appeal, the Council raises several pleas alleging errors of law.

First, the Council takes the view that the General Court has erred in law by holding that the applicant had the capacity to bring proceedings before the Courts of the European Union.

Second, it submits that the General Court erred in law by holding that the applicant was direct and individually concerned by the decision annulled.

Third, it criticises the General Court for having erred in law by basing the annulment on a plea which had not been raised by the applicant and with regard to which the Council was unable to express its views.

Fourth, the Council complains that the General Court erred in law by holding that the Council was required to examine the possible impact of the production activities concerning the products covered by the agreement concluded by the decision annulled on the human rights of the population of Western Sahara before adopting the decision annulled.

Fifth, the General Court erred in law by holding that the Council was required to examine whether there was evidence, under the agreement concluded by that decision, of the exploitation of the natural resources of the territory of Western Sahara under Moroccan control which may be carried out to the detriment of its inhabitants and may infringe their fundamental rights, before adopting the decision annulled.

Finally, the Council claims that the General Court erred in law by partially annulling the contested decision which had the effect of altering its substance.

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